

Dinsmore & Shohl
ATTORNEYS LLP**FACSIMILE TRANSMITTAL**

May 2, 2007

from **JAMES E. BEYER**

Direct: 937-449-6438 / Fax: 937-223-0724 / james.beyer@dinslaw.com

To: Mr. Lewis
Firm: Certificate of Correction Branch
USPTO
Fax Number: 571/270-9932
Client Number: BAT 0089 PA/40078.245

Pages: 7
(including cover)

Comments:

U.S. Patent No. : 6,934,441 B2
Issued : August 23, 2005
Title : WAVELENGTH SEPARATION DEVICES
INCORPORATING MULTI-BARRIER PHOTONIC HETEROSTRUCTURES
Docket No. : BAT 0089 PA/40078.245

I telephoned your department for a status on the Request for Certificate of Correction submitted on June 6, 2006 for the above-identified patent. According to Mr. Lewis the Request was not received by the Office. Attached is a copy of the original Request, dated June 6, 2006, with a copy of the check in the amount of \$100.00 cashed by the USPTO on 06/09/2006. In checking our file we did not receive the return receipt post card back from the PTO however, we have verification from the cashed check that the Request was received.

Therefore, please process the original Request for Certificate of Correction dated June 6, 2006.

If you have any questions or more information is needed, please contact me.

Amy Marshall
Paralegal
937/586-2612

If there are any problems in receiving this transmission, please call Amy Marshall at (937) 586-2612 immediately. Thank you.

Notice

This message is intended only for the use of the individuals or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this notice in error, please notify us immediately by telephone and return these papers to us at the address below via first class mail.

Dayton • One Dayton Centre • One South Main Street, Suite 1300 • Dayton, OH 45402-2030 • Phone: (937) 449-6400

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 100.00

Complete If Known

Application Number	10/658,122
Filing Date	September 9, 2003
First Named Inventor	James E. Toney
Examiner Name	Michael J. Stahl
Art Unit	2874
Attorney Docket No.	BAT 0089 PA/40078.245

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP = _____ x _____ = _____						
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP = _____ x _____ = _____						
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____				

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Payment for Certificate of Correction

100.00

SUBMITTED BY

Signature		Registration No. 39,564 (Attorney/Agent)	Telephone (937) 449-6400
Name (Print/Type)	James E. Beyer		Date June 6, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

U.S. Patent No. : 6,934,441 B2
Issued : August 23, 2005
Title : **WAVELENGTH SEPARATION DEVICES INCORPORATING
MULTI-BARRIER PHOTONIC HETEROSTRUCTURES**
Docket No. : BAT 0089 PA/40078.245

**Decisions & Certificate of
Corrections Branch**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States
Postal Service as first class mail in an envelope addressed to: Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 8, 2006

James E. Beyer

Reg. No. 39,564

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 35 U.S.C. 254/255 and 37 C.F.R. 1.322/323

Enclosed herewith are the required two (2) copies of the Certificate of Correction Form PTO/SB/44 for U.S. Patent No. 6,934,441 B2. The following errors in the patent, some of which are the fault of the applicant, are of consequence and correction thereof is respectfully requested.

Col. 2, Line 57, "band gap" should read --bandgap--
Col 2, Line 59, "band gap" should read --bandgap--
Col. 2, Line 64, "band gap" should read --bandgap--
Col. 5, Line 13, "band gap" should read --bandgap--
Col. 7, Line 17, "band gap" should read --bandgap--
Col. 7, Line 19, "band gap" should read --bandgap--
Col. 8, Line 30, "band gap" should read --bandgap--
Col. 10, Line 4, "band gap" should read --bandgap--
Col. 10, Line 7, "band gap" should read --bandgap--
Col. 10, Line 8, "band gap" should read --bandgap--
Col. 10, Line 14, "band gap" should read --bandgap--
Col. 10, Line 15, "band gap" should read --bandgap--


Patent No. 6,934,441 B2
Attorney Docket BAT 0089 PA/40078.245

REMARKS

Where the above errors are Applicant's errors, they occurred in good faith and correction thereof does not involve such changes in the patent as would constitute new matter or would require re-examination and a Certificate of Correction is respectfully requested. Enclosed is our check in the amount of \$ 100.00 which represents the payment for the above subject matter.

Respectfully submitted,
DINSMORE & SHOHL, LLP

By


James E. Beyer
Registration No. 39,564

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Dayton, Ohio 45402-2023
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JEB/vlh
Encl.

PTO/SB/44 (04-05)

Approved for use through 04/30/2007. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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(Also Form PTO-1050)

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 6,934,441 B2

APPLICATION NO.: 10/658,122

ISSUE DATE : August 23, 2005

INVENTOR(S) : James E. Toney

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

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MAILING ADDRESS OF SENDER (Please do not use customer number below):

Dinsmore & Shohl, LLP
One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402

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